

REMARKS

Claims 13-18, 21, 22, 28, 32-34 and 36-39 are pending, claims 20, 35 and 40 having been canceled by the present invention. Claim 28 has been amended to remove the phrase "and the vector mediates the transfer of the foreign gene into a CD4-positive cell of a mammal". No new matter has been added.

Allowable Subject Matter

As noted in the Office Action Summary, claims 13-18, 21, 22, 32-34 and 36-39 are allowed. Applicants thank the Examiner for the courteous telephonic interview of May 11, 2004, in which the Examiner informed Applicants' representative that the arguments and amendments filed in the last response had placed those claims in condition for allowance. It was agreed that the grounds for rejection of claims 20, 28, 35 and 40 would be set forth in the next Office Action. Applicants' reply follows.

Rejections Under 35 U.S.C. § 112, First Paragraph

The Examiner rejected claim 35 as not being enabled. Although Applicants do not agree, in the interest of advancing prosecution, claim 35 has been canceled. The rejection is now moot and should be withdrawn.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 20, 28 and 40 as being indefinite. According to the Examiner (at page 4 of the Office Action):

[c]laim 28 is vague and unclear in the recitation of "the vector mediates the transfer of the foreign gene into a CD4-positive cell of a mammal" because in light of the teachings of the instant specification this is an inherent property of the claimed MLV-HIV/SIV retroviral vector.

The Examiner further states that "[d]eleting this portion of the claim would obviate the basis of the rejection" (Office Action at page 4). While not conceding that claim 28 is indefinite, Applicants have amended the claim as suggested by the Examiner. Applicants have canceled claims 20 and 40. Accordingly, this ground for rejection is now moot and should be withdrawn.

Applicant : Klaus Cichutek *et al.*
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Page : 7 of 7

Attorney's Docket No.: 11692-002001 / 158-1 US

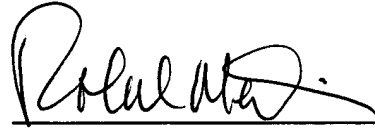
Applicants respectfully request that all the pending claims be allowed.

Enclosed are a Notice of Appeal, a Petition for Extension of Time, and the required fees.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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